

Attorney's Docket No.: 8114-539001  
Client's Ref. No.: 8114/CMP

**OFFICIAL COMMUNICATION FACSIMILE:**

**OFFICIAL FAX NO: (703) 872-9306**

Number of pages including this page (3)

Applicant : Jeffrey Drue David  
Serial No. : 10/643,583  
Filed : August 18, 2003

Art Unit : 3723  
Examiner : Maurina T. Rachuba

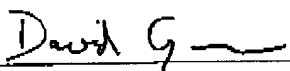
Title : PLATEN AND HEAD ROTATION RATES FOR MONITORING CHEMICAL  
MECHANICAL POLISHING

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attached to this facsimile communication cover sheet is a Response to Restriction Requirement, faxed this 30<sup>th</sup> day of August, 2004, to the United States Patent and Trademark Office.

Respectfully submitted,

Date: August 30, 2004

  
David J. Goren  
Reg. No. 34,609

Fish & Richardson P.C.  
500 Arguello Street, Suite 500  
Redwood City, California 94063  
Telephone: (650) 839-5070  
Fax: (650) 839-5071

50234717.doc

NOTE: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please immediately call us collect at (650) 839-5070 to arrange for its return. Thank you.

Attorney's Docket No.: 8114-539001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

Applicant : Jeffrey Drue David

Art Unit : 3723

AUG 30 2004

Serial No. : 10/643,583

Examiner : Maurina T. Rachuba

Filed : August 18, 2003

Title : PLATEN AND HEAD ROTATION RATES FOR MONITORING CHEMICAL  
MECHANICAL POLISHINGCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed August 13, 2004, applicant elects the invention of Group I, claims 1-24, drawn to a method and system for polishing. The election in response to restriction is made with traverse for reasons discussed below.

Applicant further elects the invention of the species which uses an eddy current sensor. Applicant submits that claims 1-14, 16-23 and 25-31 read on this species. The election of species is made without traverse.

With respect to the restriction, the Examiner argued that claims 25-31, drawn to a software product, should be classified in class 700, and that they have acquired a separate status in the art as shown by their classification.

However, the Examiner's attention is directed to Note B(2) of class 700. For classification in class 700, there must be significant claim recitation of the data processing system or calculating computer and only nominal claim recitation of any external art environment.

In claim 25, the data processing system is only nominally recited (e.g., the software product in the preamble), whereas the external environment is significant portion of the claim (e.g., that each data trace results from a separate scan of a sensor along a path across a substrate, and that rotation rates of the platen and carrier head are such that the plurality of paths are

## CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

Date of Transmission August 30, 2004  
Signature 

Nikia M. McMillon  
Typed or Printed Name of Person Signing Certificate

Applicant : Jeffrey Drue David  
Serial No. : 10/643,583  
Filed : August 18, 2003  
Page : 2 of 2

Attorney's Docket No.: 05542-539001 / 8114/CMP

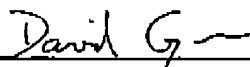
substantially evenly radially distributed across the substrate). Thus, Applicant submits that claims 25-31 can properly be classified class in the class appropriate to the external device (see Note C of class 700).

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

8/26/04



David J. Goren  
Reg. No. 34,609

Telephone: (650) 839-5070  
Facsimile: (650) 839-5071